

CalRecycle Informal Workshop on Draft Regulatory Revisions to Title 14 and 27

Wednesday, October 3, 2012

9:30 AM – 1:00 PM

Los Angeles County Department of Public Health

5050 Commerce Drive

Baldwin Park, CA

Agenda

1. Introductions
2. Overview of workshop objectives
3. Staff summary of newly-released draft text for Issues 5, 6, 7, and 12
4. Staff Review of Issues 1, 2, 3, 4, 8, 9, 10, 11, 13, and 14
5. Stakeholder survey: Which Issues/draft text need more discussion?
6. Discussion
7. Next Steps
8. Adjourn

1. Introductions

2. Overview of workshop objectives

3. Staff summary of newly-released draft text for Issues 5, 6, 7, and 12

Issue 5 – Regulatory Coordination of Publicly Owned Treatment Works (POTWs) Accepting Food Waste, Fats, Oils and Grease (FOG)

POTWs are considering adding organic material such as food waste & FOG into their anaerobic digesters

RWQCB regulatory oversight of POTWs may adequately address co-digestion activities

Issue 5 – Regulatory Coordination of POTWs Accepting Food Waste & FOG

CalRecycle staff proposes:

Exclude POTW facilities that receive specific types of organic solid waste for co-digestion with POTW wastewater from CalRecycle transfer/processing and in-vessel digestion regulations

Issue 6 - Green Material Contamination

Current regulations require green material to contain no greater than 1.0% physical contaminants by weight

Stakeholders have indicated:

Green material can exceed the 1.0% contaminant limit

Difficult for operators/LEAs to visually evaluate physical contaminants

1.0% physical contaminant limit is hard to enforce

Issue 6 - Green Material Contamination

CalRecycle staff proposes:

Incoming:

Keep 1.0% physical contaminant limit by weight

Require operators to increase visual inspections of incoming loads

Require operators to take samples of incoming loads

Outgoing:

Require operations to take a representative sample of product and send to a laboratory

Require facilities to take a representative sample for every 5,000 cubic yards of product

Require compostable material products to meet 0.1% physical contaminant limit by weight.

Issue 7 - Anaerobic Digestion Facility Permitting

Anaerobic digestion (AD) is currently regulated under the Compostable Materials Handling or Transfer/Processing regulations, depending on the nature of the feedstock and how it is handled

Issue 7 - Anaerobic Digestion Facility Permitting

CalRecycle staff:

Views AD as a process in between Transfer/Processing and Compostable Materials Handling

Intended to develop initial draft regulatory text for AD

Became aware of several in-vessel digestion technologies that do not utilize AD

Proposes to broaden the scope of regulations to cover other types of “in-vessel” digestion activities, including AD

Issue 7 - Anaerobic Digestion Facility Permitting

CalRecycle staff proposes:

Option 1: A stand-alone, fully-contained set of regulations containing imported transfer/processing and compostable materials handling standards applicable to in-vessel digestion.

Other options considered but not developed include:

Option 2: A stand-alone set of regulations containing cross-references to transfer/processing and compostable materials handling standards applicable to in-vessel digestion.

Option 3: Option 2 plus provide, upon completion of the rulemaking, a fully-contained, non-regulatory guidance document that includes the full text of any cross-referenced standard.

Issue 12 - Clarify “permitted maximum tonnage”

Directions for completion of the Solid Waste Facility Permit Application are not clear on the meaning of the term “permitted maximum tonnage” used in section B.1 a of the permit application (Form E- 1-77)

Issue 12 - Clarify “permitted maximum tonnage”

CalRecycle staff proposes:

Update E-1-77 Form and Instructions

Clarify that total tonnage is the maximum amount of waste material that is expected to be received per day.

4. Staff Review of Issues 1, 2, 3, 4, 8, 9, 10, 11, 13, and 14

Issue 1- Food waste definition

Current definition is general, does not distinguish between various food waste types, and food material composting requires a Compostable Materials Handling Permit

CalRecycle staff proposes:

Expand food material definition; add “vegetative food material”

Allow green material composting operations to accept vegetative food material & obtain a Registration Permit as a “Green/Vegetative Food Material Composting Facility”

Food material composting still requires a Compostable Materials Handling Facility Permit

Issue 1 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 12

- Salts, fats, oils, and preservatives are ingredients, not adulterants
- Difficult for EA to enforce vegetative food material in its “natural state”
- Synchronize all definitions with other agencies, such as CDFA and SWRCB
- Cross contamination issues with animal & vegetative food material
- Vegetative food material should be “pre-consumer” & prohibit products no longer in their original state (noodles, breads, crackers, etc.)
- Putrescible vegetative waste processing or composting should be subject to full solid waste facility permitting requirements

Issue 1 - Stakeholder Written Comments on Draft Text

- What is “agricultural material” versus “vegetative food material”
- EAs should require facilities in Registration tier to upgrade OIMPs
- Adding food processing in food material definition will cause confusion
- Recommended three tiers:

Tier 1 - Full SWFP. > than 10% contaminants (physical, MSW, animal) = MSW compost facility
< than 10% contamination = food waste compost facility

Tier II - Registration. Putrescible vegetative food material.

Tier III - EA Notification. Non-putrescible & low moisture food waste

Issue 2 - Land application: disposal or beneficial use

Application of compostable materials to agricultural land is beneficial use if it meets CDFA requirements. There is a need to better determine when land application is considered disposal.

CalRecycle staff proposes:

Establish criteria for determining when use of compostable material and compost is considered disposal, such as limits on storage time, application depth & frequency, and physical contaminants

Issue 2 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 11

- Storage of compostable materials should be longer than 72 hours
- Include restrictions on marginal agricultural or range land
- Plan must submitted to LEA prior to land application
- 0.1% is difficult to measure
- “Physical contamination” needs to be defined
- Excluded composting sites can produce nuisances by excessive storage
- Stabilized compost is not defined

Issue 2 - Stakeholder Written Comments on Draft Text

- Not clear what is excluded from disposal
- Compost product or by-product used as ADC is inconsistent with cover requirements of receiving facility
- More accurate to measure 0.1% contamination by weight
- Applying compostable material more than once a year should be allowed if depth and contamination level requirements are met
- Limiting storage of manure to 72 hours is impractical for ag operations
- Model ordinance would be adopted in a piecemeal approach by jurisdictions, statewide standard is preferred

Issue 3 - On-site storage and 12,500 cubic yard limit

Agricultural material & green material composting operations are limited to 12,500 cubic yards of off-site-generated green material to be stored on-site at any one time

Some stakeholders have indicated that they are unable to meet seasonal demand for their products with storage limitations

CalRecycle staff proposes:

Provide EA with discretion to authorize an operator to temporarily store additional material if EA determines it will not adversely affect public health, safety or the environment

Issue 3 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 3

- Allow unlimited storage of finished compost
- 12,500 limitation should only apply to feedstock and unfinished compost
- EA should have discretion to authorize an operator to temporarily store additional feedstock and unfinished compost
- Do not allow EA to approve a reduced inspection frequency of Chipping and Grinding Operations
- Chipping and grinding operations should be regulated as green material composting operations if they exceed storage time limits
- Agricultural/green material should have a uniform meaning among regulatory agencies
- Owner/operator should provide the burden of proof to store additional materials onsite, not the EA

Issue 4 - Odor complaints

Stay Tuned....

Issue 8 - Regulatory coordination of meat, fish, and poultry waste

CalRecycle does not propose to publish “stand-alone” initial discussion draft text for this issue. CalRecycle will address it in the text developed for other issues that require coordination (e.g., Issues 1, 2, and 5).

Issue 9 - Maximum metal concentrations consistency with federal regulations

CIWMB adopted US EPA's land application standards for biosolids and applied them to compost

US EPA eliminated chromium & increased selenium limit allowed in the land application of biosolids

CalRecycle staff proposes:

Revise maximum metal concentrations allowed in compost to reflect US EPA changes

Issue 9 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 8

- Regulation should remain unchanged even if inconsistent with US EPA
- Current maximum metal concentrations are too high for compost
- Compost is not tested for chemical contaminants
- Allow LEAs discretionary ability to require additional testing based on feedstock risks and contaminants

Issue 9 - Stakeholder Written Comments on Draft Text

- Adjust criteria to meet Water Board concerns regarding run-off or groundwater contamination from compost
- Revise 14 CCR 17868.2 (b) to allow alternative methods of compliance for metals to include ag materials
- Remove metal concentration sampling requirements for animal manure composting operations. Greater risk in viral, proteins, biological, hormone, or other antibiotic contaminants.

Issue 10 - Clarify “processing” in agricultural material definition

Current definition of Agricultural Material is not clear relative to the term “processing”

CalRecycle staff proposes:

Clarify that Agricultural Material is separated at point of generation and has not been processed in a way that alters its essential character

Issue 10 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 5

- Prohibit animal-derived materials (carcasses) in agricultural material compost products that conflict with CDFA Code
- Unreasonable to regulate agricultural composting because of odors
- EA should be allowed to waive metals or pathogen sampling based on feedstock types and process consistency
- Processed agricultural material should be considered a solid waste and subject to a higher tier by CalRecycle
- Adding “waste” and “alters its essential character” to definition is confusing

Issue 11 - Small-scale composting exclusions

Current regulations do not address various types of small-scale composting activities

CalRecycle staff proposes:

Revise exclusions to facilitate composting of food material and vegetative food material at non-commercial sites, such as community gardens and schools

Issue 11 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 2

- 17855(a)(4)
 - 500 cubic yard limit should include only feedstock & active compost
 - delete requirement that feedstock be generated onsite
 - delete 20% limitation on food or vegetative material
 - specify performance measures instead of feedstock & volume limits
- 17855(a)(6) & 17855(a)(10) appear contradictory & redundant. Delete both exclusions & incorporate into 17855(a)(4)
- Specify all compostable materials must be generated onsite and all finished compost must be used onsite

Issue 13 - Vermiculture

Current regulations specify that the handling of compostable material prior to vermicomposting and after its use as a growth medium is subject to the Compostable Material Handling regulations

CalRecycle staff proposes:

Clarify that this activity is subject to either the Compostable Material Handling or Transfer/Processing regulations

Develop non-regulatory guidance to assist EA in determining vermicomposting activity

Issue 13 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 4

- Food waste should have a 48 hour limit for its use as growth media
- Only compostable materials that are directly part of the vermiculture process should be excluded
- Regulatory oversight needs to be strengthened & develop guidance document for LEAs

Issue 14 - EA Notification Inspection frequency language

15 types of solid waste handling activities are regulated as “operations” under the EA Notification tier

LEA inspection requirements for operations are not entirely consistent in regulation

CalRecycle staff proposes:

Clarify LEA inspection requirements, delete conflicting provisions, & add new provision for each EA Notification activity

Issue 14 - Stakeholder Written Comments on Draft Text

Comment Letters Received: 8

- EA Notification operation can commence without a Land Use-Permit or approval & places burden on limited county resources
- County routinely reduces inspection frequency on EA notification operations. No need to add CalRecycle concurrence.
- LEA should initiate request for inspection frequency reduction or modification based on potential risks

Where to Find Draft Text

www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm

The screenshot shows a web browser window with the URL <http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm>. The browser's address bar and tabs are visible. The website's header includes the CalRecycle logo, a search bar, and navigation links. The main content area is titled 'Proposed Regulations' and 'Compostable Materials, Transfer/Processing'. It contains a 'Description' section, 'Affected Regulatory Code Sections', and 'Current Status and Documents'. The 'Current Status and Documents' section includes information about initial discussion draft regulatory text for Issues 5, 6, 7, and 12, and mentions workshops on September 25, 2012, and October 3, 2012. The left sidebar contains a list of links related to regulations and rulemaking.

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Proposed Regulations

Compostable Materials, Transfer/Processing

Description

Revision of existing Title 14 and Title 27 regulations regarding compostable materials, transfer/processing, permit application form, and permit exemptions.

Affected Regulatory Code Sections

- California Code of Regulations, Title 14, Division 7, Chapter 3.1., [Article 1 commencing with section 17852](#)
- California Code of Regulations, Title 14, Division 7, Chapter 3, [Article 6 commencing with 17402](#)
- California Code of Regulations, Title 27, Division 2, Chapter 4, [Article 2 commencing with section 21570](#)

Current Status and Documents

CalRecycle staff developed initial discussion draft regulatory text for Issues 5, 6, 7 and 12 in the list of issues below. Please send comments on this informal draft text to compost.transfer.regs@calrecycle.ca.gov and identify the comments by Issue number (Issue 1, Issue 2, etc.). CalRecycle staff will use the comments to further develop the informal draft text; staff will not respond directly to comments received. Note: CalRecycle will publish stakeholder comments on this [website](#).

CalRecycle will hold informal workshops on September 25, 2012 in Sacramento and October 3, 2012 in Baldwin Park to review draft regulatory issues and potential approaches for future revisions to Title 14 and Title 27. Additional workshop details will be posted at a later date.

- **Issue 1--Food waste definition**
[Initial Discussion Draft Text](#) (PDF, 360 KB), May 1, 2012. Expand the definition of food material and create a subcategory called "vegetative food material". Please send initial comments on this informal draft text by May 31, 2012.
- **Issue 2--Land application: disposal or beneficial use**
[Initial Discussion Draft Text](#) (PDF, 111 KB), May 1, 2012. Establish criteria for determining when use of compostable material and compost is considered disposal. Please send initial comments on this informal draft text by May 31, 2012.
- **Issue 3--On-site storage and 12,500 cubic yard limit**
[Initial Discussion Draft Text](#) (PDF, 60 KB), July 3, 2012. Provide the EA with discretion to authorize temporary storage of additional

125%

Where to Find Stakeholder Comments

www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=696&aiid=656

The screenshot shows a web browser window displaying the CalRecycle website. The address bar shows the URL: <http://www.calrecycle.ca.gov/Actions/PublicNoticeDetail.aspx?id=696&aiid=656>. The page title is "Public Notice Detail - RTrak". The website header includes the CalRecycle logo and navigation links: Home, Reduce Waste, Recycle, Buy Recycled, Beverage Containers, Enforcement, Local Partners, and About Us. A search bar is located in the top right corner. The main content area displays the title of the public notice: "Public Notice: Stakeholder Comments on Initial Discussion Draft Regulatory Text For Revisions to Title 14 and 27 (Compostable Materials, Transfer Processing, Permit Application Form, Permit Exemptions)". Below the title is a link to "Back to Public Notices Search". The "Summary" section provides details about the notice, including its type (Informal Rulemaking Direction), title, date (May 07, 2012), and description. A contact name, Decio, Ken, is listed. The "Documents" section includes a link to "Stakeholders Comments" (PDF, 445 KB). The footer of the page mentions the version (1.7) and the action item tracking system.

Public Notice: Stakeholder Comments on Initial Discussion Draft Regulatory Text For Revisions to Title 14 and 27 (Compostable Materials, Transfer Processing, Permit Application Form, Permit Exemptions)

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Summary

Type: Informal Rulemaking Direction

Title: Stakeholder Comments on Initial Discussion Draft Regulatory Text For Revisions to Title 14 and 27 (Compostable Materials, Transfer Processing, Permit Application Form, Permit Exemptions)

Public Notice Date: May 07, 2012

Description: Stakeholder comments regarding initial discussion draft regulatory text (see Documents below)

If you would like to receive an email notification of developments in this rulemaking, please subscribe to the [Compostable Materials, Transfer/Processing Rulemaking Listserv](#).

Contact Name: [Decio, Ken](#)

Documents

- [Stakeholders Comments](#) (PDF, 445 KB)

[Back to Public Notices Search](#)

Version: 1.7
Action Item Tracking & Public Noticing System <http://www.calrecycle.ca.gov/Actions/>

5. Stakeholder Survey: Which Issues/draft text need more discussion?

Which Issues/draft text need more discussion?

Issue	Needs More Discussion
Issue 1- Food waste definition	
Issue 2 - Land application: disposal or beneficial use	
Issue 3 - On-site storage and 12,500 cubic yard limit	
Issue 4 - Odor complaints	
Issue 5 – Regulatory Coordination of Publicly Owned Treatment Works (POTWs) Accepting Food Waste, Fats, Oils and Grease (FOG)	
Issue 6 - Green Material Contamination	
Issue 7 - Anaerobic Digestion Facility Permitting	
Issue 8 - Regulatory coordination of meat, fish, and poultry waste	
Issue 9 - Maximum metal concentrations consistency with federal regulations	
Issue 10 - Clarify “processing” in agricultural material definition	
Issue 11 - Small-scale composting exclusions	
Issue 12 - Clarify “permitted maximum tonnage”	
Issue 13 - Vermiculture	
Issue 14 - EA Notification Inspection frequency language	

Which Issues/draft text need more discussion?

Survey Results

Issue 1- Food waste definition

Issue 2 - Land application

Issue 3 - On-site storage/ 12,500 cubic yard limit

Issue 4 - Odor complaints

Issue 5 – Regulatory Coordination of POTWs

Issue 6 - Green Material Contamination

Issue 7 - Anaerobic Digestion Facility Permitting

Issue 8 - Regulatory coordination of meat, fish, and poultry waste

Issue 9 - Max metal concentrations

Issue 10 - Clarify “processing” in ag material definition

Issue 11 - Small-scale composting exclusions

Issue 12 - Clarify “permitted maximum tonnage”

Issue 13 – Vermiculture

Issue 14 - EA Notification Inspection frequency language

6. Discussion

7. Next Steps

Information on the Rulemaking Process

Compostable Materials, Transfer/Processing Rulemaking

<http://www.calrecycle.ca.gov/Laws/Rulemaking/Compost/default.htm>

CalRecycle: Compostable Materials, Transfer/Processing Rulemaking Listserv

<http://www.calrecycle.ca.gov/Listservs/>

Send Written Comments to: compost.transfer.regs@calrecycle.ca.gov.

Staff contact: Ken Decio at (916) 341-6313 or Ken.Decio@CalRecycle.ca.gov

8. Adjourn